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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,695	11/25/2003	Russell Bonaventura	LEAP:126US	6297
24041	7590	09/18/2006	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			PRITCHETT, JOSHUA L	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/721,695	<b>Applicant(s)</b> BONAVENTURA ET AL.	
	<b>Examiner</b> Joshua L. Pritchett	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-18 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is in response to Request for Continued Examination and Amendment filed August 16, 2006. Claims 2 and 16-18 have been amended as requested by the applicant.

#### ***Claim Objections***

Claim 18 is objected to because of the following informalities: Claim 18 requires the rod be directly attached to the slide mount guide. Claim 18 depends from claim 2. Claim 2 requires the rode be directly attached to the slide mount. The rod cannot be directly attached to both the slide mount and the slide mount guide. The claim will be examined as if it did not require direct attachment between the slide mount guide and the rod. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 3, 5, 6, 9, 10 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Woo (US 6,018,415).

Regarding claims 2, 16 and 17, Woo discloses an upper stage (45), a slide mount (42), a rod (43) and a releasable attachment means wherein the releasable attachment means is arranged to directly attach the rod to the slide mount (Fig. 6; col. 5 lines 27-30), the upper stage supports the slide mount (Fig. 1), the upper stage is arranged to move in a first direction in response to a translational movement of the rod in the first direction and the slide mount is arranged to move in a second direction, orthogonal to the first direction, in response to a translational movement of the rod in the second direction (col. 6 lines 58-62). Upper stage (45) is connected to both the slide mount (42) and the Y direction moving stage (44) so the upper stage must move in both the X and Y direction.

Regarding claim 5, Woo discloses the rod comprises a distal portion, an intermediate portion and a proximate portion (Fig. 4).

Regarding claim 6, Woo discloses the proximal portion is attached to the slide mount, the intermediate portion connects the distal end and the proximal portion and the distal portion is disposed in space substantially perpendicular to a longitudinal axis of the stage assembly (Fig. 4).

Regarding claim 18, Woo discloses a slide mount guide (51) fixedly connected to the slide mount, where the releasable attachment means is arranged to attach the rod to the slide mount guide (Fig. 4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Kraft (US 6,049,420).

Woo teaches the invention as claimed but lacks the specifics of the rod. Kraft teaches the rod is substantially hollow, circular tube (Fig. 2). Fig. 2 shows in the cut away portion of the rod that the inside of the rod appears to be hollow. Kraft teaches the rod comprises a plurality of grooves substantially parallel to each other (Fig. 2). The crossed marks on the rod shown in Fig. 2 include portions that are substantially parallel. Kraft teaches the rod comprises a plurality of protuberances that are substantially parallel to each other (Fig. 2). The raised portions between the marks on the rod shown in Fig. 2 are substantially parallel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Woo rod include the specifics as taught by Kraft for the purpose of forming a more ergonomic grip for the user to actuate the rod.

Claims 4, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Leitz Service ("Ergolux B 0 1-Ersatzteilliste").

Woo teaches the invention as claimed but lacks reference to the type of releasable attachment and a joystick. Leitz Service teaches the releasable attachment means is a screw (59). Element, 59, is described as a Schraube, which translates to mean a screw. Leitz Service teaches a joystick (25), wherein the releasable attachment means is arranged to attach the joystick to the slide mount (Figure). Leitz Service teaches the rod being substantially solid (Figure). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Woo invention include the attachment means and joystick of Leitz Service for the purpose of reliably attaching the rod to allow operation without it falling off and easy movement of the slide mount.

Claims 7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Nishida (US 2003/0169492).

Woo teaches the invention as claimed but lacks reference to a gripping means. Nishida further teaches a gripping means (12) arranged to be detachably secured to the rod (Fig. 7). Fig. 7 shows a screw used to attach the gripping means (12) to the rod. Nishida further teaches the distal portion of the rod tapering at the end (Fig. 6). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the Woo rod be have the features as taught by Nishida for the purpose of allowing the rod to be easier to grip and weigh less to minimize the momentum transfer to the slide mount.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woo (US 6,018,415) in view of Yoshioka (US 5,907,157).

Woo teaches the invention as claimed but lacks reference to a square gripping means. Yoshioka teaches the use of a substantially square (28) gripping means, rotatable plate arranged to be detachable secured to the distal portion of the rod (Fig. 2; col. 4 lines 19-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Woo rod include the Yoshioka square attachment for the purpose of allowing the user to grip the rod in a more comfortable position to allow easier movement of the upper stage through the rod.

### ***Response to Arguments***

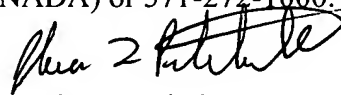
Applicant's arguments, see Amendment, filed August 16, 2006, with respect to the rejection(s) of claim(s) 2, 16 and 17 under Kraft have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Woo. Applicant amended the claims to overcome the Kraft reference. The Woo reference has been added to teach the newly added limitations.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joshua L Pritchett  
Examiner  
Art Unit 2872